

REMARKS

Status of the Claims

Claims 1-3, 5-7, 9, 10 and 12-23 are now pending with claims 1, 13 and 17 being independent. Claims 4, 8 and 11 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Without conceding the propriety of the rejections, claim 1 has been amended to even more clearly recite and distinctly claim particularly preferred embodiments of the invention. Support for the amendments may be found in the original claims as well as throughout the specification. Therefore, no new matter has been added.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejection Under 35 U.S.C. §112

Claims 8, 11 and 12 have been rejected under 35 U.S.C. §112, second paragraph for the reasons given on page 2 of the Office Action. Reconsideration of this rejection is requested for at least the following reasons.

Claims 8 and 11 have been cancelled. Claim 12 is now dependent on claim 1. Accordingly, the objections to these claims have been obviated and the §112 rejection should be withdrawn.

Claim Rejection Under 35 U.S.C. §102.

Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,179,474 to Beuther et al. for reasons given on page 3 of the Office Action. The Applicants disagree with the Examiner but amendments were made to pursue an early allowance. All rights are reserved to pursue claims before or after amendments in future proceedings. Nevertheless, reconsideration and withdrawal of this rejection are respectfully requested in view of the above amendments and for at least the reasons which follow.

Claim 1 has been amended to specify that the feed to the cracker unit comprises a blend of Fischer-Tropsch syncrude, a lighter naphtha fraction having a sulfur content of at least 1 ppm, and a heavier fraction having a sulfur content of less than 100 ppm. Beuther et al. '474 clearly does not disclose or suggest the process set forth in the currently amended claims. In view thereof, the 35 U.S.C. §102(b) rejection should be withdrawn.

Claim Rejection Under 35 U.S.C. §103(a)

Claims 3-8 and 11-20 were rejected under 35 U.S.C. §103(a) as unpatentable over Beuhler et al '474 taken alone or alternatively in view of "the admitted prior art disclosed by applicants in the specification." The Applicants disagree with the Examiner, especially with respect to admissions but amendments were made to pursue an early allowance. All rights are reserved to pursue claims before or after amendments in future proceedings. Reconsideration of this rejection is respectfully requested for at least the following reasons.

A review of Beuther et al. '474 fails to show any disclosure or suggestion of a process as claimed herein. The cited document does not describe a process which includes the steps of preparing a Fischer-Tropsch syncrude, preparing a lighter naphtha fraction containing at least 1 ppm sulfur, preparing a heavier fraction containing less than 100 ppm sulfur, and preparing a feed to a cracker unit comprising a blend of the Fischer-Tropsch syncrude, the lighter naphtha fraction, and the heavier fraction. Moreover, Beuther et al '474 does not disclose or suggest a process wherein a Fischer-Tropsch naphtha containing less than 1 ppm sulfur is prepared at a first remote site, transported to a second site where the naphtha is blended with a sulfur-containing compound or a composition containing a sulfur-containing compound, and the blend thereafter processed in a cracker unit to yield a product stream containing ethylene.

Therefore, the §103(a) rejection based on Beuther et al. '474 taken alone is unsound for these reasons and should be withdrawn.

The Office Action refers to the description of related art (not admitted prior art) on pages 1-4 of the specification and argues the obviousness of using a Fischer-Tropsch naphtha in the process described in Beuther et al '474. Even if one of ordinary skill in the art treats a Fischer-Tropsch naphtha in accordance with the teachings of Beuther et al '474, the resultant process would be completely different from that set forth in the present claims.

The positions taken on page 5 of the Office Action that it would have been obvious to use hydrocarbon streams containing sulfur compounds and obvious to process Fischer-

Tropsch naphthas transported from remote sites in a cracker at a second site to prepare ethylene are not supported in or suggested by the disclosure of Beuther et al '474.

To establish a *prima facie* case, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. See Karsten Mfg. Corp. v. Cleveland Gulf Co., 242 F.3d 1376, 1385, 58 U.S.;.Q.2d 1286, 1293 (Fed. Cir. 2001) ("In holding an invention obvious in view of combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in the way that would produce the claimed invention."); C.R.Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1352, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1990) (It is insufficient that the prior art disclosed the components of the patented device, either separately or used in other combinations; there must be some teaching, suggestion, or incentive to make the combination made by the inventor."). The teachings or suggestions, as well as the second requirement, expectation of success, must come from the prior art, not applicant's disclosure. See In re Vaeck, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991).

Moreover, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. In other words, a hindsight analysis is not allowed.

Applicants respectfully submit that the teachings of Beuther et al. '474 provide no suggestion or incentive therein that would have motivated those of ordinary skill to arrive at the methods set forth in the present claims. Nor was there a reasonable expectation that a method arrived at by blending a Fischer-Tropsch naphtha with a hydrocarbon stream containing a sulfur compound could be successfully processed in a cracker unit or that a blend combining a Fischer-Tropsch naphtha produced from methane at one site with a sulfur compound or sulfur-containing hydrocarbon at a remote site could be successfully processed in a cracker unit to produce ethylene.

Accordingly, the combination of Beuther et al. '474 and the discussion of related art on pages 1-4 of the specification does not establish a *prima facie* case of obviousness.

For at least the above reasons, the §103(a) rejection of claims 3-8 and 11-20 should be withdrawn. Such action is earnestly solicited.

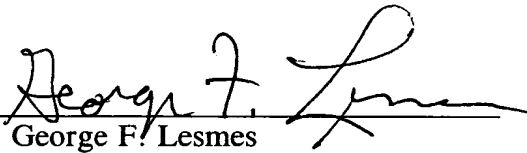
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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